IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 200 of 2004

AZIZ

V/S

GOPI LAL

Mr. SACHIN ACHARYA, for the appellant / petitioner

Mr. USMAN GHANI, for the respondent

Date of Order : 17.7.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

This second appeal is by the defendant-tenant. The suit has been decreed by both the learned Courts below for eviction of the shop on the ground of reasonable and bonafide necessity, comparative hardship, and also by deciding the question of partial eviction in favour of the landlord.

Having examined the impugned judgments and having heard learned counsel for the parties, I am satisfied that the findings of fact, recorded on the question of reasonable and bonafide necessity, so also on the question of comparative hardship, and partial eviction, are not vitiated on any of the grounds available under Section 100 CPC.

The appeal thus, does not involve any substantial question of law. The same is, therefore, dismissed

summarily.

It may be noticed here, only by the way, that the learned counsel for the respondent informs that the decree has already been executed. In that view of the matter, no further time is required to be granted to the appellant to surrender vacate possession of the premises.

(N P GUPTA),J.